

MODULE I - STANDARD PERMIT CONDITIONS

I.A. EFFECT OF PERMIT

- I.A.1 The Permittee, Dugway Proving Ground (DPG), is allowed to store hazardous waste in containers in accordance with the conditions of this permit and in accordance with R315-5 of the Utah Administrative Code (the Rules).
- I.A.2 Module VII contains specific post-closure requirements for the Solid Waste Management Units (SWMU) and Hazardous Waste Management Units (HWMU) at DPG. The Permittee shall inspect, monitor and maintain all closed management units listed in Table VII-1 and as specified in Module VII Attachments in accordance with the conditions of this Permit.
- I.A.3 Compliance with this permit constitutes compliance, for purposes of enforcement, with the Utah Hazardous Waste Management Rules except for those requirements not included in this permit which become effective by statute, or which are future regulatory changes.
- I.A.4 Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local law or regulations.

I.B. ENFORCEABILITY

- I.B.1 Violations duly documented through the enforcement process pursuant to Utah Code Annotated 19-6-112 may result in penalties assessed in accordance with R315-101 of up to \$13,000 per calendar day of violation.

I.C. OTHER AUTHORITY

- I.C.1. The Utah Solid and Hazardous Waste Control Board (Board) and the Utah Department of Environmental Quality expressly reserves any right of entry provided by law and any authority to order or perform emergency or other response activities as authorized by law.

I.D. PERMIT ACTIONS

- I.D.1. This permit may be modified, revoked and reissued, or terminated for cause, as specified in R315-3-4 of the Rules.
- I.D.2. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes, requiring prior agency approval, or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.
- I.D.3. All permit conditions within this permit supersede conflicting statements, requirements or procedures found within the Attachments of the permit.
- I.D.4. If a conflict exists between conditions within this permit, the most stringent condition, as determined by the Executive Secretary, shall be met. Upon discovery of a conflict, a modification to the Permit shall be initiated by the Permittee to meet the Executive Secretary's determination.

- I.D.5. The Executive Secretary may modify this permit when the standards or regulations on which the permit was based have been changed by statute, through promulgation of new or amended standards or regulations, or by judicial decision after the effective date of this permit (in accordance with R315-3-4.2 of the Rules).
- I.D.6. This permit may be modified at the request of the Permittee in accordance with the procedures of R315-3-4 and R315-4-1.5 of the Rules.
- I.D.7. In accordance with the Utah Solid and Hazardous Waste Act, UCA, 19-6-108(13), this permit shall be reviewed no later than five (5) years from the date of issuance and modified, if necessary.

I.E. SEVERABILITY

- I.E.1. The provisions of this permit are severable and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby. Invalidation of any State or federal statutory or regulatory provision, which forms the basis for any condition of this permit, does not affect the validity of any other State or federal statutory or regulatory basis for said condition.

I.F. DUTIES TO COMPLY

- I.F.1. The Permittee shall comply with all conditions of this permit, except as otherwise authorized by an emergency permit issued in accordance with R315-3-6.2 of the Rules or temporary authorization issued in accordance with R315-3-4.3 of the Rules. Any permit noncompliance constitutes a violation of the Utah Solid and Hazardous Waste Act, and is grounds for: enforcement action, permit modification, revocation and reissuance, or termination; or denial of a permit renewal application; or a combination of enforcement action and any of the other listed remedies.
- I.F.2. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under Sections 3007, 3008, 3013, or 7003 of RCRA (42 U.S.C. Sections 6927, 6928, 6934 and 6973), Section 106(a), 104, or 00107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9606(a), 9604, and 9607, commonly known as CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), or any other State or federal law providing for protection of human health or the environment from any imminent and substantial endangerment.

I.G. DUTY TO REAPPLY

- I.G.1. A minimum of one hundred and eighty (180) calendar days prior to the expiration date of this permit, if the Permittee wishes to continue an activity allowed by this permit after the expiration date of this permit, the Permittee shall apply for a new permit in accordance with R315-3-3.1(b) and R315-3-2.1(g).

I.H. PERMIT EXPIRATION

- I.H.1. This permit shall be effective for ten (10) years from the effective date of this permit.

I.I. CONTINUATION OF EXPIRING PERMIT

- I.I.1. This permit and all conditions herein shall continue in force until the effective date of a new permit, if the Permittee has submitted a timely and complete application (in accordance with R315-3), and through no fault of the Permittee, the Executive Secretary has neither issued nor denied a new permit under R315-3-5 of the Rules on or before the expiration date of this permit.

I.J. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

- I.J.1. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

I.K. DUTY TO MITIGATE

- I.K.1. In the event of noncompliance with the permit, the Permittee shall take all reasonable steps to minimize releases to the environment resulting from the noncompliance, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.

I.L. PROPER OPERATION AND MAINTENANCE

- I.L.1. The Permittee shall, at all times, properly operate and maintain all facilities and control systems (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes adherence to Permittee-approved Standard Operating Procedures (SOPs), which affect the management of hazardous waste, effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary equipment or similar systems only when necessary to achieve compliance with the conditions of this permit.

I.M. DUTY TO PROVIDE INFORMATION

- I.M.1. The Permittee shall furnish to the Executive Secretary, within a reasonable time, any relevant information which the Executive Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Executive Secretary upon request, copies of records required to be kept by this permit.

I.N. INSPECTION AND ENTRY

- I.N.1. Pursuant to the Utah Solid and Hazardous Waste Act, UCA 19-6-109, the Permittee shall allow the Board, the Executive Secretary, or their authorized officer, employee, or

representative, upon the presentation of credentials and other documents as may be required by law, to:

- I.N.1.a Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records are kept as required by the conditions of this permit;
- I.N.1.b Have access to and copy, at reasonable times, any records that are kept as required by the conditions of this permit;
- I.N.1.c Inspect at reasonable times any portion of the Facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit,
- I.N.1.d Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Utah Solid and Hazardous Waste Act or RCRA, any substances or parameters at any location; and
- I.N.1.e Make record of inspection by photographic, electronic, videotape, or any other reasonable medium. Photographic and video recording shall comply with national security requirements.

I.O. MONITORING AND RECORDS

- I.O.1. The Permittee shall retain records of all CHWSF and Igloo G monitoring information, including all calibration and maintenance records and, where applicable, all original strip chart recordings (or equivalent recordings) for continuous monitoring instrumentation, copies of all reports and records required by this permit, the waste minimization certification required by R315-8-5.3. of the Rules (40 CFR §264.73(b)(9) incorporated by reference), and records of all data used to complete the application for this permit for a period of at least three (3) years from the date of the sample, measurement, report, certification, or recording unless a longer retention period for certain information is required by other conditions of this permit. These periods may be extended by request of the Executive Secretary at any time by written notification to the Permittee and the retention times are automatically extended during the course of any unresolved enforcement action regarding the Facility to three (3) years beyond the conclusion of the enforcement action.
- I.O.2. Pursuant to R315-3-3.1(j) of the Rules, records of monitoring information shall specify at a minimum:
 - I.O.2.a. The date(s), exact place, and times of sampling or measurements;
 - I.O.2.b. The name(s), title(s), and affiliation of individual(s) who performed the sampling or measurements;
 - I.O.2.c. The date(s) analyses were performed;
 - I.O.2.d. The individual(s) who performed the analyses;
 - I.O.2.e. The analytical techniques or methods used; and

I.O.2.f. The results of such analyses, including the Quality Control/Quality Assurance summaries required by Attachment 1-10.

I.O.3. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed shall be the appropriate method from R315-50-6 or the Waste Analysis Plan (Attachments 1-1 or 2-1), or an equivalent method approved by the Executive Secretary. Laboratory methods shall be those specified in Test Methods for Evaluating Solid Waste. Physical/Chemical Methods SW-846 (Third Edition, November 1986; or prevailing edition) (hereafter, referred to as SW-846), Standard Methods of Examination of Water and Wastewater (20th Edition, 1998; or prevailing edition), the Waste Analysis Plan (Attachments 1-1 or 2-1), or other alternate methods approved in this permit, or an equivalent method in accordance with permit condition I.O.4 of this permit.

I.O.4. When requesting substitute or additional analytical methods, the Permittee shall submit to the Executive Secretary a request for substitution of analytical methods(s) which is equivalent to the method(s) specifically approved for use in this permit, in accordance with R315-3-4.3 of the Rules. The request shall provide information demonstrating that the proposed method(s) requested to be substituted is equivalent or superior in terms of sensitivity, accuracy, and precision (i.e., reproducibility).

I.P. REPORTING PLANNED CHANGES

I.P.1. The Permittee shall give written notice to the Executive Secretary of any planned physical alterations or additions to any hazardous waste management unit or system being permitted or previously permitted in accordance with R315-3-3.1(l)(1) and R315-3-4.3 of the Rules. Planned physical alterations or additions shall include all changes in any hazardous waste activities. Construction or operation of new or modified hazardous waste units shall not begin unless the provisions of R315-3-4.3 of the Rules are met.

I.Q. REPORTING ANTICIPATED NONCOMPLIANCE

I.Q.1. The Permittee shall give advance notice to the Executive Secretary of any planned changes in the permitted Facility or activity, which may result in noncompliance with requirements of this permit. Advance notice shall not constitute a defense for any noncompliance.

I.R. CERTIFICATION OF CONSTRUCTION OR MODIFICATION

I.R.1. The Permittee shall not commence storage, of hazardous waste in a new hazardous waste management unit or in a modified portion of an existing permitted hazardous waste management unit except as provided in R315-3-4.3 of the Rules (40 CFR 270.42), and the Permittee has submitted to the Executive Secretary:

I.R.1.a. A letter signed by the Permittee and a registered professional engineer qualified by experience and education in the appropriate engineering field certifying that the unit(s) have been constructed or modified in compliance with this permit; and

I.R.1.b. As-built engineering drawings and specifications as appropriate; and

- I.R.1.c The Executive Secretary or designated representative has reviewed and inspected the modified or newly constructed unit(s) and has notified the Permittee in writing that the unit(s) were found in compliance with the conditions of this permit; or
- I.R.1.d If within fifteen (15) calendar days of the date of receipt of the letter in permit condition I.R.1.c, the Permittee has not received notice from the Executive Secretary, of the intent to inspect, prior inspection is waived and the Permittee may commence storage of hazardous waste in the permitted unit certified in accordance with permit condition I.R.1.

I.S. TRANSFER OF PERMIT

- I.S.1. This permit may be transferred to a new owner or operator only if it is modified or revoked and reissued pursuant to R315-3-4 of the Rules. Prior to transferring ownership or operation of Dugway (Facility) during its operating life, the Permittee shall notify the new owner or operator, in writing, of the requirements of R315-3, R315-8 of the Rules, and this permit.

I.T. TWENTY-FOUR HOUR REPORTING

- I.T.1. In accordance with R315-3-3.1(1)(6) of the Rules, the Permittee shall orally report to the Executive Secretary any noncompliance with this permit, which may endanger human health or the environment. Any such information shall be reported as soon as possible, but not later than twenty-four (24) hours from the time the Permittee becomes aware of the noncompliance.
- I.T.2. In accordance with R315-9 of the Rules, the Permittee shall orally report to the Executive Secretary any spill of any hazardous waste listed in R315-2-9 and R315-2-10(e) of the Rules, which includes F999, which are acute hazardous waste(s) identified with a hazard code of (H) and R315-2-11(e) of the Rules ("P" wastes) if the spilled quantity exceeds one (1) kilogram or a lesser amount if there is a potential endangerment to human health or the environment. Any such information shall be reported as soon as possible, but not later than twenty-four (24) hours from the spill occurrence.
- I.T.3 In accordance with R315-9 of the Rules, the Permittee shall orally report to the Executive Secretary any release to the environment of any chemical agent. Any such information shall be reported as soon as possible, but not later than twenty-four (24) hours from the spill occurrence.
- I.T.4. In accordance with R315-9-1 of the Rules, the Permittee shall orally report to the Executive Secretary any spill of any hazardous waste or material which, when spilled becomes a hazardous waste, other than a hazardous waste listed in Permit Condition I.T.2, if the spilled quantity exceeds one hundred (100) kilograms or a lesser amount if there is a potential for endangerment to human health or the environment. Any such information shall be reported as soon as possible, but not later than twenty-four (24) hours from the spill occurrence.
- I.T.5. The oral report shall include, but not be limited to, the following:
- I.T.5.a. Information concerning the release of any hazardous waste, which may endanger public drinking water supplies;
- I.T.5.b. Any information of a release or discharge of hazardous waste, or of a fire, or explosion at the Facility, which could threaten human health or the environment.

I.T.5.c. The description of the occurrence and its cause including:

I.T.5.c.i The name, title, and telephone number of individual reporting;

I.T.5.c.ii The name, address, and telephone number of the owner or operator;

I.T.5.c.iii The name, address, and telephone number of the Facility;

I.T.5.c.iv The date, time, and type of incident;

I.T.5.c.v The Location and cause of incident;

I.T.5.c.vi The name and quantity of materials involved;

I.T.5.c.vii The extent of injuries, if any;

I.T.5.c.viii An assessment of actual or potential hazard to the environment and human health, where this is applicable;

I.T.5.c.ix A description of any emergency action taken to minimize threat to human health and the environment;

I.T.5.c.x The estimated quantity and disposition of recovered material that resulted from the incident; and

I.T.5.c.xi Any other information the Permittee deems necessary to fully evaluate the situation and to develop an appropriate course of action.

I.T.6. Within fifteen (15) days of the time the Permittee is required to provide any of the oral reports, as specified in permit conditions I.T.1. through I.T.5 of this permit, the Permittee shall provide to the Executive Secretary a written submission.

I.T.7 The written submission shall include, but not be limited to the following:

I.T.7.a. The name, address, and telephone number of the individual reporting;

I.T.7.b. A description (including cause, location, extent of injuries, if any, and an assessment of actual or potential hazard to the environment and human health inside or outside the Facility, where this is applicable) of the reported incident;

I.T.7.c. The period(s) in which the incident occurred (including exact dates and times);

I.T.7.d. The name and quantity of material(s) involved;

I.T.7.e. The estimated quantity of recovered material that resulted from the incident;

I.T.7.f. An assessment of any remaining threat to human health and the environment (whether the noncompliance has been corrected and the release has been adequately cleaned up); and

- I.T.7.g. If the release or the noncompliance has not been adequately cleaned up or corrected, the anticipated time that the noncompliance or clean up is expected to continue; the steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance; the steps taken or planned to adequately clean up the release; and final management of waste or cleanup residue.

I.U. MONITORING REPORTS

- I.U.1. Monitoring reports shall be submitted at the intervals specified elsewhere in this permit.

I.V. COMPLIANCE SCHEDULES

- I.V.1. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each scheduled date.

I.W. DISCREPANCY REPORT

- I.W.1. Discrepancies shall be defined as differences between the quantity and type of hazardous waste designated on the profile sheet as specified in Condition II.C.3, and the quantity or type of hazardous waste the Permittee receives for storage at the CHWSF and Igloo G. Significant discrepancies in quantity are any variation in piece count, such as a discrepancy of one drum in a truckload or a munition does not match the waste description on the facility waste acceptance/receiving papers. Significant discrepancies in type are obvious differences, which can be discovered by inspection or waste analysis, such as any solvent substituted for waste acid, or toxic constituents not reported on the profile sheet or analysis sheet. If a significant discrepancy is discovered, the Permittee shall attempt to reconcile the discrepancy. If not resolved within 15 days, the Permittee shall submit a written report, including a copy of the profile sheet, and documented efforts to reconcile the discrepancy, to the Executive Secretary.

I.X. DOCUMENTATION OF DISCREPANCIES

- I.X.1. Discrepancies and attempts to reconcile discrepancies as defined in Condition I.W.1. shall be recorded in the operating record.

I.Y. BIENNIAL REPORT

- I.Y.1. A biennial report shall be submitted covering facility activities during odd numbered calendar years. This report shall be submitted by March 1 of the following even numbered year. (see R315-8-5.6. of the Rules)

I.Z. OTHER NONCOMPLIANCE

- I.Z.1. The Permittee shall report all other instances of noncompliance with this permit not otherwise required to be reported in accordance with Condition I.T. within seven days of discovering the noncompliance. Reporting shall not constitute a defense for any noncompliance.

I.AA. OTHER INFORMATION

- I.AA.1. Whenever the Permittee becomes aware that it failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application (except minor deviations as allowed by II.B.2), or in any report submitted to the Executive Secretary, the Permittee shall submit such facts or corrected information within seven days of the discovery.

I.BB. SIGNATORY REQUIREMENT

- I.BB.1. All applications, reports, or other information requested by or submitted to the Executive Secretary shall be signed and certified in accordance with R315-3-2.2 and R315-3-3.1(k) of the Rules.

I.CC. CONFIDENTIAL INFORMATION

- I.CC.1. As the Permittee submits information to the Executive Secretary pursuant to this permit, it may claim information to be confidential in accordance with the UCA 63-2-308 et seq, and 19-1-306 and implementing regulations.

I.DD. REPORTS, NOTIFICATIONS, AND SUBMISSIONS

- I.DD.1 All reports, notifications, or other submissions, which are required by this permit to be transmitted to the Executive Secretary, should be sent by certified mail or other means of proof of delivery to:

Executive Secretary
Utah Solid and Hazardous Waste Control Board
P.O. Box 144880
Salt Lake City, Utah 84114-4880
801-538-6170

During normal business hours (8 am to 5 pm, Monday through Friday, except Utah State holidays) required oral notifications shall be given only to the Executive Secretary or an Environmental Program Manager, Environmental Scientist, or Engineer employed by the Executive Secretary to assist him in administering the hazardous waste program. Notifications made at other times shall be made to one of the aforementioned persons if the Permittee can contact such person at the Facility or at the office of the Division of Solid and Hazardous Waste. Otherwise, notification shall be made to the twenty-four hour answering service at 801-536-4123. Notifications made to the twenty-four hour answering service shall include all applicable information required by this permit. The Permittee shall give oral notification to the Executive Secretary or an Environmental Program Manager, Environmental Scientist, or Engineer employed by the Executive Secretary to assist him in administering the hazardous waste program on the first business day following notification to the twenty-four hour answering service.

I.EE. DOCUMENTS TO BE MAINTAINED AT THE FACILITY

- I.EE.1. The Permittee shall maintain at the Facility, for the periods specified, the documents and amendments listed below, as well as revisions and modifications to these documents.

- I.EE.1.a. The Waste Analysis Plan (Attachments 1-1 and 2-1 of this permit), as required by R315-8-2.4. of the Rules and this permit until closure is certified in accordance with Condition II.N.7;
- I.EE.1.b. The inspection schedules and logs (Attachments 1-3 and 2-3 of this permit), as required by R315-8-2.6(b) of the Rules and this permit for a period of three years in accordance with R315-8.2.6(d) of the Rules;
- I.EE.1.c. The personnel training documents (Attachments 1-4 and 2-4 of this permit), and records, as required by R315-8-2.7(d) of the Rules and this permit until closure for current employees, or for a period of three years for former employees (in accordance with R315-8.2.7(e) of the Rules);
- I.EE.1.d. The Contingency Plan (Attachments 1-7 and 2-7 of this permit), as required by R315-8-4(a) of the Rules and this permit until closure is certified in accordance with Condition II.N.7;
- I.EE.1.e. The operating record, as required by R315-8.3. of the Rules and this permit until closure is certified in accordance with Condition II.N.7;
- I.EE.1.f. The Closure Plan (Attachments 1-8 and 2-8 of this permit), as required by R315-8-7. of the Rules and this permit until closure is certified in accordance with Condition II.N.7; and
- I.EE.1.g. A copy of the Permittees waste minimization statement until closure is certified in accordance with Condition II.N.7.

I.FF. PROTECTION OF HUMAN HEALTH AND THE ENVIRONMENT

- I.FF.1. Pursuant to Section 3005(C)(3) of RCRA (Section 212 of HSWA), codified as 40 CFR 270.32(b)(2), and R315-3-23(b)(2) of the Rules, this permit contains those terms and conditions determined necessary to protect human health and the environment.